



PATENT

Attorney Docket No. 5552.0953-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mathias FIBI et al.

Serial No.: 08/897,441

Filed: July 21, 1997

For: ERYTHROPOIETIN (EPO)
PEPTIDES AND ANTIBODIES
DIRECTED AGAINST THESE

Group Art Unit: 1816

Examiner: Not yet assigned

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR CORRECTED FILING RECEIPT

We are forwarding herewith a copy of a Filing Receipt which has been received from the U.S. Patent and Trademark Office. There is an error in the Filing Receipt which is indicated in highlight on the copy. **The error appears in the Total Claims section and is shown incorrectly as 17. The correct number of claims is 18.** The correct information is shown in ink below the erroneous information.

We enclose a copy of the as-filed transmittal form submitted with this application, and the as-filed Preliminary Amendment, both of which show evidence of the number of claims filed.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

We request that a corrected Filing Receipt be provided as soon as possible.

If there is any fee due in connection with the filing of this Request, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220

Date: March 6, 1998

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FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/897,441	07/21/97	1816	\$770.00	5552.0953-04	2	17 18	3

FINNEGAN HENDERSON FARABOW GARRETT
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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MATHIAS FIBI, MARBURG, FED REP GERMANY; WERNER STUBER,
LAHNTAL, FED REP GERMANY.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/267,539 06/29/94 PAT 5,712,370
WHICH IS A CON OF 08/135,121 06/28/93
WHICH IS A CON OF 07/830,895 02/04/92
WHICH IS A DIV OF 07/556,423 07/24/90 PAT 5,106,954

FOREIGN/PCT APPLICATIONS-FED REP GERMANY P 39 24 746.5 07/26/89

TITLE

ERYTHROPOIETIN (EPO) PEPTIDES AND ANTIBODIES DIRECTED AGAINST THESE

PRELIMINARY CLASS: 530

DEC 22 1997

RECEIVED

DEC 19 1997

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

Handwritten initials and date: 12/19/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Attorney's Docket Number: 5552.0953-04

Prior Application:

Art Unit: 1806

Examiner: Scheiner, T.

SIR: This is a request for filing a

[] Continuation [X] Divisional Application under 37 C.F.R. § 1.60 of pending prior application Serial No. 08/267,539 filed June 29, 1994
of Mathias FIBI et al. for ERYTHROPOIETIN (EPO) PEPTIDES AND ANTIBODIES
[Inventor(s)] DIRECTED AGAINST THESE
[Title of Invention]

1. [XX] Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of the first filed prior application Serial No. 07/556,423 as originally filed on July 24, 1990.
2. [XX] Cancel Claims 2-4 and 13. (At least one original independent claim must be retained for filing purposes.)
3. [XX] A Preliminary Amendment is enclosed.
4. [XX] The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

For	:	Number Filed	:	Number Extra	:	Rate	:	Basic Fee \$770.00
Total	:		:		:		:	
Claims	:	18 -20=	:	0	:	x\$ 22.00=	:	\$ 0
Independent	:		:		:		:	
Claims	:	3-3=	:	0	:	x\$ 80.00=	:	0
Multiple Dependent Claim(s) (if applicable)					:	+\$260.00=	:	
Total					=	:	:	770.00
Reduction by ½ for					:	:	:	
filing by small entity					:	:	:	-
TOTAL FILING FEE					=	:	:	770.00

5. [XX] A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
6. [XX] The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
7. [XX] Amend the specification by inserting before the first line, the sentence:

--This is a [] continuation [X] division of application Serial No. 08/267,539, filed June 29, 1994, now allowed, which is a continuation of Serial No. 08/135,121, filed June 28, 1993, now abandoned, which is a continuation of Serial No. 07/830,895, filed February 4, 1992, now abandoned, which is a division of application Serial No. 07/556,423, filed July 24, 1990, which has been issued as U.S. Patent No. 5,106,954.
8. [] New formal drawings are enclosed.
9. [XX] The prior application is assigned of record to: Behringwerke
Aktiengesellschaft
10. [XX] Priority of application Serial No. P 39 24 746.5, filed on July 26, 1989 in Federal Republic of Germany (country) is claimed under 35 U.S.C. § 119. A certified copy

[] is enclosed or [X] is on file in the prior application.
11. [] A verified statement claiming small entity status

[] is enclosed or [] is on file in the prior application.
12. [XX] The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Reg. No. 22,540, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg.

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13. ☒ The power appears in the original declaration of the prior application.
14. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
15. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
16. ☐ Recognize as associate attorney _____

(name, address & Reg. No.)
17. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/267,539, filed June 29, 1994, for the purpose of maintaining copendency between the parent

application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No.: 32,220

Date: July 21, 1997